

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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BROADCAST MUSIC, INC.; )  
DYNATONE PUBLISHING COMPANY; )  
KEN ADAMANY, RICK NEILSEN, )  
BRAD CARLSON, ROBIN ZANDER AND )  
TOM PETERSON, a partnership )

Civ: 04-CV-1119

d/b/a ADULT MUSIC; SCREEN GEMS-EMI )  
MUSIC, INC.; FOX-GIMBEL PRODUCTIONS, )  
INC.; CHARLES FOX d/b/a RODALI MUSIC; )  
WARNER TAMERLANE PUBLISHING CORP.; )  
EDWIN LAMAR NICHOLAS, an individual )  
d/b/a RAMAL MUSIC COMPANY; DIVIDED )  
MUSIC, INC.; SONY/ATV SONGS LLC; MOW )  
B'JOW MUSIC, INC.; EMI BLACKWOOD )  
MUSIC, INC.; ADAM FREDERIC DURITZ, )  
DAVID LYNN BRYSON, STEVE BOWMAN, )  
MATTHEW MARK MALLEY, CHARLES )  
THOMAS GILLINGHAM, a partnership d/b/a )  
JONES FALLS MUSIC; BLUES TRAVELER )  
PUBLISHING CORPORATION; DEVO, INC. )  
d/b/a DEVO MUSIC; EMI VIRGIN SONGS, INC.; )  
JOHN A. FOGARTY d/b/a TAKING CARE OF )  
BUSINESS MUSIC; SONGS OF UNIVERSAL, )  
INC.; BRADLEY KIRK ARNOLD, ROBERT )  
TODD HARRELL, MATTHEW DARRICK )  
ROBERTS AND CHRISTOPHER LEE )  
HENDERSON, a partnership d/b/a ESCATAWPA )  
SONGS, )

Plaintiffs, )

v. )

THIRD EDITION ENTERPRISES, INC. )  
d/b/a MAD RIVER BAR & GRILLE; MIKE )  
MASTELLONE AND JOHN DURKIN, )  
each individually, )

Defendants. )

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**CONSENT JUDGMENT**

Plaintiffs having filed an action for copyright infringement against Defendants, the parties now request entry of this Judgment.

IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. Plaintiff BROADCAST MUSIC, INC., licenses the right of public performance, and the other Plaintiffs own the copyrights, in the following musical compositions:
  - a. Get Up I Feel Like Being A Sex Machine AKA Get Up I Feel Like Being a Sex Machine.
  - b. I want You to Want Me
  - c. Killing Me Softly
  - d. Let's Talk About It
  - e. Little Miss Can't be Wrong
  - f. Mr. Jones a/k/a Mister Jones
  - g. Run Around
  - h. Whip It
  - i. You Dropped A Bomb On Me
  - j. Kryptonite
2. Defendants have infringed the copyrights in the musical works listed in Paragraph 1 above.
3. Defendants are hereby permanently enjoined from causing any unlicensed public performance of any musical works licensed by Broadcast Music, Inc.
4. Defendants shall pay the Plaintiffs damages in the amount of \$32,000.00.

5. This Court shall retain jurisdiction over this matter for enforcement of this  
Judgment.

DATED: 3/24, 2005

  
J. Paul O'Neill  
UNITED STATES DISTRICT Judge